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2
3 **STATE OF CALIFORNIA**
4 **WATER RESOURCES CONTROL BOARD**
5 **DIVISION OF DRINKING WATER**

6 **TO:** United States Forest Service– USFS
7 1839 S. Newcomb Street
8 Porterville, CA 93257
9

10 **Attn:** Peter Landucci, Environmental Engineer
11 United States Forest Service (USFS)
12

13 **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**
14 **TITLE 22, SECTION 64426(b)(2) - WATER SYSTEM NO. 1502685**

15 **Total Coliform MCL Citation – July 2014**

16 **C I T A T I O N N O. 03-19-14C-021**

17 **Issued on October 28, 2014**
18

19 Section 116650 of the California Health and Safety Code authorizes the issuance of a
20 citation to a public water system for violation the California Safe Drinking Water Act
21 (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section
22 116270) (hereinafter “California SDWA”) or any regulation, standard, permit or order
23 issued or adopted thereunder.
24

25 The State Water Resources Control Board, acting by and through its Division of
26 Drinking Water (hereinafter “Division”) and the Deputy Director for the Division
27 (hereinafter “Deputy Director”) hereby issues a citation to the USFS – Lake Isabella

1 Office Water System (hereinafter, Water System)(mailing address: 1839 S. Newcomb
2 Street, Porterville, CA 93257) for violation of California Code of Regulations (CCR),
3 Title 22, Section 64426, subsection (b)(2).

4 5 **STATEMENT OF FACTS**

6 United States Forest Service (USFS) – Lake Isabella Office Water System is classified
7 as a transient non-community water system and mainly serves a transient population of
8 approximately 48 persons through five service connections. The Water System has
9 one active source of supply, Well 02 (Primary Station Code: 1502685-002), a 24,000-
10 gallon storage tank and distribution system. No treatment is provided to the well
11 water. The Water System operates under the authority of Permit No. 03-12-94P-095,
12 issued on January 27, 1992, by the California Department of Health Services (now
13 State Water Resources Control Board).

- 14
- 15 • The Water System is required to collect one (1) routine bacteriological sample
 - 16 per month in accordance with its approved Bacteriological Sample Siting Plan.
 - 17 • One (1) routine bacteriological quality sample collected on July 10, 2014, from
 - 18 the distribution system, tested positive for total coliform bacteria.
 - 19 • Two (2) out of four (4) repeat samples collected on July 14, 2014, from the
 - 20 distribution system, tested positive for total coliform bacteria.
 - 21 • One (1) repeat sample (also counted towards the Ground Water Rule's
 - 22 triggered source sampling requirement) collected on July 14, 2014, from Well
 - 23 02, tested negative for total coliform bacteria.
 - 24 • **USFS – Lake Isabella Office Water System failed the total coliform**
 - 25 **maximum contaminant level (MCL) for July 2014 [Section 64426.1(b)(2),**
 - 26 ***Authorities*].**
 - 27

- 1 • None of the bacteriological quality samples collected in July 2014, from the
2 distribution system or the system well, tested positive for *E.coli* bacteria.
- 3 • On July 16, 2014, Dan Sackett of sKOO'kum h2o monitoring, inc., the Water
4 System's contract sampler, notified the Division that the Water System failed
5 the total coliform MCL for July 2014.
- 6 • On July 24, 2014, emergency disinfection and flushing was provided to the
7 distribution system.
- 8 • On July 30, 2014, five (5) special bacteriological samples collected from the
9 distribution system, tested negative for total coliform bacteria.
- 10 • On August 15, 2014, public notice and Proof of Notification forms were
11 emailed to the Water System for the July 2014 total coliform MCL failure.
- 12 • On October 14, 2014, the Division received a signed and dated copy of the
13 public notice from the Water System. According to this document, public
14 notification was completed on October 8, 2014. Based on a recent telephone
15 conversation with Peter Landucci, the delay of the posting of the public notice
16 was due to the Lake Isabella Office crew being dispatched for firefighting duty,
17 and no one was on site.
- 18 • On October 22, 2014, the Division received a signed and dated copy of the
19 Proof of Notification from the Water System.
- 20 • On August 15, 2014, an investigation report was emailed to the Water System
21 for the August 2014 total coliform MCL failure.
- 22 • On August 29, 2014, the Division received a completed copy of the
23 investigation report, in response to the July 2014 total coliform MCL failure.
24 The investigation report was completed and submitted by Shon Sackett of
25 sKOO'kum h2o monitoring, inc.
- 26
- 27

- The investigation report indicated the possible cause of contamination as high temperatures during the sampling events, and impact of drought on the Water System well.
- On August 6, 2014, five (5) routine bacteriological samples collected from the distribution system, tested negative for total coliform bacteria.
- On September 4, 2014, one (1) routine bacteriological quality sample collected from the distribution system, tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2014 to September 2014, are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation.”

Section 116655 of the CHSC, states in relevant part:

“(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant

level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Division determines that the Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for July 2014 when more than one sample during the month, tested positive for total coliform bacteria.

The above violation is classified as a non-continuing violation.

DIRECTIVES

USFS – Lake Isabella Office Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Section 64426.1(b)(2) of Title 22, California Code of Regulations.
2. The Water System shall reimburse the Division, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities,

1 and such reimbursement shall be made prior to September 1 of the fiscal year
2 (or by a different date if specified by the Division) following the fiscal year in
3 which such costs are incurred as described in CHSC Section 116577(a)(1-2)
4 and 116577(b).

5
6 **FURTHER ENFORCEMENT ACTIONS**

7 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Division
8 to: issue additional citations with assessment of penalties if the public water system
9 continues to fail to correct a violation identified in a citation; take action to suspend or
10 revoke a permit that has been issued to a public water system if the system has violated
11 applicable law or regulations or has failed to comply with orders of the Division; and
12 petition the superior court to take various enforcement measures against a public water
13 system that has failed to comply with orders of the Division. The Division does not
14 waive any further enforcement action by issuance of this citation.

15
16 **PARTIES BOUND**

17 This citation shall apply to and be binding upon USFS – Lake Isabella Office Water
18 System, its officers, directors, agents, employees, contractors, successors, and
19 assignees.

20
21 **SEVERABILITY**

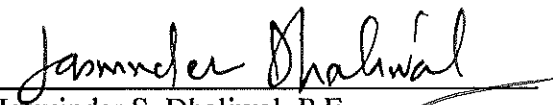
22 The directives of this citation are severable, and USFS – Lake Isabella Office Water
23 System shall comply with each and every provision thereof, notwithstanding the
24 effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Division imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Division does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

Oct. 28, 2014
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH

Attachment

Attachment A: Bacteriological Summary January 2014 through September 2014

cc: Kern County Environmental Health Services Department (w/o attachment)
Dan Sackett, Contract Sampler (via email), sKOO'kum h2o monitoring, inc.
Shon Sackett, Contract Sampler (via email), sKOO'kum h2o monitoring, inc.

Attachment A

USFS - Lake Isabella Office Water System

1502685

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/9/2014	11:05	1ROU	A	A		Routine			
2/5/2014	11:06	1ROU	A	A		Routine			
3/5/2014	11:51	1ROU	A	A		Routine			
4/9/2014	14:36	1ROU	A	A		Routine			
5/7/2014	12:52	1ROU	A	A		Routine			
6/4/2014	12:10	1ROU	A	A		Routine			
7/10/2014	11:23	1ROU	P	A		Routine			
7/14/2014	15:30	1REP1	A	A		Repeat			
7/14/2014	15:45	1REP2	P	A		Repeat		MCL	Citation #03-19-14C-021 issued
7/14/2014	15:51	1REP3	P	A		Repeat			
7/14/2014	16:00	STORAGE TANK	A	A		Repeat			
7/30/2014	12:05	1ROU	A	A		Other			
7/30/2014	12:09	4ROU	A	A		Other			
7/30/2014	12:15	3ROU	A	A		Other			
7/30/2014	12:22	5ROU	A	A		Other			
7/30/2014	12:35	STORAGE TANK	A	A		Other			
7/30/2014	12:50	2ROU	A	A		Other			
8/6/2014	13:19	1ROU	A	A		Routine			
8/6/2014	13:24	4ROU	A	A		Routine			
8/6/2014	13:30	3ROU	A	A		Routine			
8/6/2014	13:34	2ROU	A	A		Routine			
8/6/2014	13:50	5ROU	A	A		Routine			
9/4/2014	13:20	1ROU	A	A		Routine			

USFS - Lake Isabella Office Water System

1502685

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
7/14/2014	16:17	WELL #1	A	A			GWR sample
